

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

KEVIN MARK MCFARLAND,

Plaintiff,

v.

STATE OF OREGON, COUNTY OF LANE,
LANE COUNTY CIRCUIT COURT,
PATRICIA PERLOW, and DEBORAH STOLL,

Defendants.

6:19-cv-01066-MK
OPINION AND ORDER

AIKEN, District Judge:

Magistrate Judge Mustafa Kasubhai has filed his Findings and Recommendation ("F&R") (doc. 12) recommending that the Court GRANT plaintiff's Application to Proceed *in Forma Pauperis* (doc. 2) and Motion for Appointment of *Pro Bono* Counsel (doc. 9) and DISMISS, with prejudice, the claim against Deborah Stoll in her individual capacity. This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

No objections have been timely filed. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final decision.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory Committee, I review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule). Having reviewed the file of this case and Magistrate Judge Clarke’s order, I find no clear error.

Thus, I adopt Magistrate Judge Kasubhai’s F&R (doc. 12) in its entirety. Accordingly, the claim against Deborah Stoll in her individual capacity is DISMISSED with prejudice. Plaintiff’s Application to Proceed IFP (doc 2) and Motion for Appointment of *Pro Bono* Counsel (doc. 9) are GRANTED

IT IS SO ORDERED.

Dated this 24th day of January, 2020.



Ann Aiken
United States District Judge